

## GIVE COMMUTERS A CHOICE

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 27, 1997*

Mr. LEWIS of Georgia. Mr. Speaker, today I am introducing the Commuter Choice Act, legislation that would help the environment while giving commuters greater choices in how they get to work.

Too often, our tax code subsidizes commuting by cars at the expense of other forms of transportation. Under current law, an employer can provide its employees free parking valued at up to \$170/month. The employee does not include this benefit as income, and the employer may deduct the cost of providing the parking when computing its own taxes. However, if the employer provides its employees subsidized transit passes, the employee must include the benefit as income if it exceeds \$65/month. In other words, if you commute by car, you can receive the equivalent of \$170/month tax free. If you commute by bus or subway, you can only receive the equivalent of \$65/month tax free.

The code discriminates even more against those who walk, car pool or commute by bicycle. Suppose that, in addition to parking and mass transit, an employer wants to give its employees the choice of receiving a commuting stipend. In other words, an employee could choose between a parking space, a transit pass or \$20/month to cover other commuting expenses. Current tax law dictates that the cash stipend by included as income and taxed. In addition, if the employer offers employees the OPTION of a commuting stipend, then all employees must include the value of the cash stipend as income. In other words, the employees would have to pay taxes on the value of the cash stipend, even if they chose a parking space or transit pass. This tax treatment provides a huge disincentive for employers to offer a commuting stipend in lieu of a parking space.

My legislation would level the playing field among commuting choices. First, it would increase the value of transit subsidies that an employee could receive tax free to \$170/month, the same value as the parking space. In addition, it would allow employers to offer employees the choice of a commuting stipend. Finally, it would require employers to offer employees the option of a cash stipend of at least \$15/month. The result is that all commuting benefits are treated more equally.

This bill can help reduce congestion and combat air pollution, and it does so without raising taxes or creating new environmental regulations. It simply gives commuters a choice.

## INTRODUCTION OF THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 27, 1997*

Mr. YOUNG of Alaska. Mr. Speaker, on behalf of myself and 66 other Members of the House, I am introducing the American Land

Sovereignty Protection Act today. This legislation will require the specific approval of Congress before any area within the United States is subject to an international land use nomination, classification, or designation. International land reserves such as world heritage sites, biosphere reserves, and some other international land use designations can affect the use and market value of non-Federal lands adjacent to or intermixed with Federal lands. Legislation is needed to require the specific approval of Congress before any area within the United States is made part of an international land reserve. The rights of non-Federal landowners need to be protected if these international land designations are made.

This legislation: First, asserts the power of Congress under article IV, section 3 of the U.S. Constitution over management and use of lands belonging to the United States; second, protects State sovereignty from diminishment as a result of Federal actions creating international land reserves; third, ensures that no U.S. citizen suffers any diminishment or loss of individual rights as a result of Federal actions creating United Nations land reserves; fourth, protects private interests in real property from diminishment as a result of Federal actions designating land reserves; and fifth, provides a process under which the United States may when desirable designate lands for inclusion in reserves under certain international agreements.

I introduced this legislation in the last Congress as H.R. 3752, which simply required congressional approval of United Nations land designations in the United States. In a rollcall H.R. 3752 failed—by a 246-to-178 vote—to receive the two-thirds majority necessary to suspend the rules and pass the bill. I am amazed that a single Member of Congress would oppose legislation requiring congressional oversight of international land designations within the borders of the United States.

What is unreasonable about Congress insisting that no land be designated for inclusion in international land reserves without the clear and direct approval of Congress? What is unreasonable about having local citizens and public officials participate in decisions on designating land near their homes for inclusion in an international reserve?

Many, many Americans from all sections of our country have called my office to say that they are concerned about the lack of congressional oversight over UNESCO international land designations in the United States and to express their support for this bill. They are surprised by the expanse of our Nation's territory which is subject to various special international restrictions, most of which have evolved over the last 25 years. The most extensive international land use designations are UNESCO biosphere reserve programs and world heritage sites. These international land reserves have largely been created with minimal, if any, congressional input or oversight or public input.

The Committee on Resources held a hearing on the American Land Sovereignty Protection Act in the 104th Congress. Seven witnesses including three local elected officials and a Member of Congress testified in support of this legislation. The former Representative and now Senator from Arkansas, the Honorable TIM HUTCHINSON, a cosponsor of H.R. 3752, outlined the problems associated with a proposed "Ozark Highland Man and Biosphere

Plan" which was advanced without public input and has apparently been subsequently withdrawn after strong public opposition developed following discovery of the proposal; local elected officials from New York and New Mexico confirmed that there is little or no input by the public or elected officials into United Nations land designations. A Cornell University professor of government testified that "if the bill is seen by some as symbolic, it is still a useful symbol. It is not at all inappropriate at this time to reemphasize the congressional duty to keep international commitments from floating free of traditional constitutional restraints."

In becoming a party to these international land use designations through executive branch action, the United States may be indirectly agreeing to terms of international treaties, such as the Convention of Biodiversity, to which the United States is not a party or which the U.S. Senate has refused to ratify. For example, the Seville Strategy for Biosphere Reserves, adopted in late 1995, recommends that participating countries "integrate biosphere reserves in strategies for biodiversity conservation and sustainable use, in plans for protected areas, and in the national biodiversity strategies and action plans provided for in article 6 of the Convention on Biodiversity." Furthermore, the Strategic Plan for the U.S. Biosphere Reserve Program published in 1994 by the U.S. State Department states that a goal of the U.S. Biosphere Reserve Program is to "create a national network of biosphere reserves that represents the biogeographical diversity of the United States and fulfills the internationally established roles and functions of biosphere reserves."

Also disturbing is that designation of biosphere reserves and world heritage sites rarely involve consulting the public and local governments. In fact, UNESCO policy apparently discourages an open nomination process for biosphere reserves. The Operational Guidelines for the Implementation of the World Heritage Convention state:

In all cases, as to maintain the objectivity of the evaluation process and to avoid possible embarrassment to those concerned, State [national] parties should refrain from giving undue publicity to the fact that a property has been nominated for inscription pending the final decision of the [World Heritage] Committee on the nomination in question. Participation of the local people in the nomination process is essential to make them feel a shared responsibility with the State party in the maintenance of the site, but should not prejudice future decision-making by the Committee.

By allowing these international land use designations, the United States promises to protect designated areas and regulate surrounding lands if necessary to protect the designated reserve. Honoring these agreements could force the Federal Government to prohibit or limit some uses of private lands outside the international reserve unless our country wants to break a pledge to other nations. At a minimum, this puts U.S. land policymakers in an awkward position. These Federal regulatory actions could cause a significant adverse impact on the value of private property and on local and regional economies.

At best, world heritage site and biosphere reserve designations give the international community an open invitation to interfere in domestic land use decisions. More seriously,